

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
JOINT APPROPRIATIONS SUBCOMMITTEE  
Room 220, Senate Building, Utah State Capitol Complex  
February 11, 2010**

**Members Present:** Sen. Jon J. Greiner, Co-Chair  
Rep. Eric K. Hutchings, Co-Chair  
Sen. Ben McAdams  
Rep. Douglas C. Aagard  
Rep. Richard A. Greenwood  
Rep. Steven R. Mascaro  
Rep. Curtis Oda  
Rep. Jennifer M. Seelig  
Rep. Larry B. Wiley

**Members Excused:** Pres. Michael G. Waddoups

**Staff Present:** Steve Allred, Fiscal Analyst  
Gary Syphus, Fiscal Analyst  
Jennifer Eyring, Committee Secretary

**Note:** A list of visitors and a copy of handouts are filed with the committee minutes.

Sen. Greiner called the meeting to order at 2:25 p.m. and provided background information concerning the possible closing of some Driver License Offices in rural Utah. The combination of drivers needing to renew their licenses in person due to legislative changes and the possible closing of offices due to budget cuts, have caused concern for rural Utah.

Maloy Dodds, Garfield County Commissioner, spoke about the need for an office in Panguitch because of the long distances between towns and the difficulty for some people to travel. He expressed concern that there was a lack of communication concerning the decision to close the Panguitch office.

Lance Davenport, Commissioner of Public Safety, told the committee that since they are now using more extensive equipment and are storing sensitive information, they need to have more security at each location that they use to issue Driver Licenses. They continue to work to find secure office space. Part time offices that have been affected by these changes include Fillmore, Nephi, Beaver, Kanab, Loa, Panguitch and Delta.

Bart Whatcott, Millard County Commissioner, spoke about their concerns about the travel distance for their citizens to renew their licenses. He was also concerned about the lack of communication, and stated that Millard County would like to help provide a secure location and

work together with the Department of Public Safety to keep the service available to the citizens of the county. He feels that other rural counties have the same concerns.

Mr. Davenport said that they have a location in Fillmore that they are working towards using as a part time Driver Licence Office, and that a final decision about Delta has not been made.

Rep. Mascaro expressed his concern about the lack of service to south central Utah. He stated that not everything the government does is cost effective, but it is important to provide these services.

The discussion continued on part time offices and the possibility of a mobile office that could open in various locations. The challenge continues to be the size of the equipment, data lines and security. Mr. Davenport said that they are sympathetic to the needs of the public and will continue to work towards a solution.

Gayle Bunker, Delta Mayor, spoke about the benefits of having the part time office open in Delta, especially for those who live west of Delta. He also encouraged better communication between the Driver License Office and the counties.

MOTION: Rep. Hutchings moved that the committee encourage the Department of Public Safety to work with the counties to find an equitable solution for part time or mobile Driver License services. The motion passed unanimously with Rep. Oda absent for the vote.

Gary Syphus, Fiscal Analyst, reviewed the handouts prepared by staff for the committee that include a motions sheet, Non-Statutory Fees for each agency, a summary of agency requests for FY 2010 and FY 2011, Dedicated Credits, Appropriation Neutral Adjustments, Restricted Funds, and miscellaneous items. Also included was a prioritized list of 5% reductions for FY 2011.

The committee discussed the duplication fees for various agencies. Joe Brown, Finance Director, Department of Public Safety, said that the Department has a \$.50 per page duplication fee because they deal with documents containing sensitive information, which they must go through carefully before they can let them go out.

MOTION: Rep. Wiley moved to raise the duplication fee for the Governor's Office from \$.10 per page to \$.25 per page. The motion passed unanimously with Rep. Oda absent for the vote.

MOTION: Rep. Hutchings moved to approve the non-statutory fee schedule as prepared by staff and amended by the committee. The motion passed unanimously with Rep. Oda absent for the vote.

Steve Allred, Fiscal Analyst, discussed the proposed motion to approve the base budget. He suggested that they include the language "with amendments made today," so that it will include

any adjustments made later in the meeting.

MOTION: Rep. Aagard moved to approve the base budgets for each agency as presented in the budget briefs for each agency, with amendments made today. The motion passed unanimously with Rep. Oda absent for the vote.

MOTION: Rep. Greenwood moved to approve the FY 2010 General Fund supplemental appropriation change as shown the sheet entitled, "Agency Supplemental FY 2010 Requests" as a recommendation to the Executive Appropriations Committee. The motion passed unanimously with Rep. Oda absent for the vote.

Mr. Allred clarified that the Agency Requests for FY 2011 are Building Block requests.

MOTION: Rep. Wiley moved to approve the FY 2011 General Fund appropriation changes as shown on the sheet entitled, "Agency FY 2011 Requests" as a recommendation to the Executive Appropriations Committee. The motion passed unanimously with Rep. Oda absent for the vote.

Mr. Allred and Mr. Brown explained the Dedicated Credits sheet. An agency can only spend what they bring in, but they can spend 25% over an appropriated amount. The Dedicated Credit page adjusts appropriated amounts to fit with what the agencies have projected they will use.

Dean Eborn, Director, Financial Audit Division, Office of the Utah State Auditor, explained that the dedicated credit request is to fund the audit of Federal stimulus money as required by law.

MOTION: Rep. Mascaro moved to approve the dedicated credit changes as shown on the sheet entitled, "Dedicated Credits". The motion passed unanimously.

MOTION: Rep. Mascaro moved to approve the Department of Corrections line item shift as shown on the sheet entitled, "Appropriations Neutral Adjustments". The motion passed unanimously.

Mr. Syphus and Mr. Brown discussed the items on the Restricted Funds page. Items 3, 4, and 5 listed under the Department of Public Safety on the "Agency FY 2011 Requests" sheet are Restricted Funds items and should be listed under Restricted Funds. The Department is also requesting \$400,000 for FY 2010 and \$1.25 million for FY 2011 to fund Driver License Offices that will be open on Fridays. Mr. Davenport stated that to open four offices on Fridays, twenty-four additional employees will be hired.

MOTION: Rep. Hutchings moved to approve the restricted funds changes as shown on the sheet entitled, "Restricted Funds", with and addition of \$400,000 supplemental for FY 2010 and \$1.25 million for FY 2011 from the Driver License Restricted Account, to open Driver License Offices on Friday. The motion passed unanimously.

MOTION: Rep. Hutchings moved to approve the FY 2011 General Fund appropriation changes as shown on the sheet entitled, "Agency FY 2011 Requests" with the removal of items 3, 4, and 5 under the Department of Public Safety. The motion passed unanimously.

Mr. Allred explained the items on the Miscellaneous page. Dave Walsh, Deputy Director, Commission on Criminal and Juvenile Justice, and Sandy Naegle, Fiscal Manager, Governor's Office of Planning and Budget answered questions concerning American Recovery and Reinvestment Act (ARRA) grants.

MOTION: Rep. Mascaro moved to approve the intent language and miscellaneous appropriation changes as shown on the sheet entitled, "Miscellaneous". The motion passed unanimously.

Rep. Herrod explained his request to fund HB 250. This bill makes a change in existing law concerning leaving the scene of an accident while under the influence. The request is for \$32,100 one-time funds for FY 2011 and \$63,200 ongoing funds.

MOTION: Sen. McAdams moved to place Rep. Herrod's request to fund HB 250 on the top of the FY 2011 Prioritization List. The motion passed unanimously with Rep. Hutchings absent for the vote.

Mr. Brown gave a further explanation of their Restricted Funds requests. He requested that items 3, 4, and 5 that were taken from the FY 2011 Agency Requests page be placed on the Restricted Fund page as follows:

- Item 3: Honoring Hero License Plate Restricted Fund amount of \$10,000 be placed on the Restricted Funds page as a FY 2011 one-time adjustment.
- Item 4: CCJJ Grant Award amount of \$25,000 be placed on the Restricted Funds page as a FY 2011 one-time adjustment and also as a FY 2010 one-time supplemental.
- Item 5: Driver License - Ogden Facility O&M amount of (\$175,000) be placed on the Restricted Funds page as a FY 2011 one-time adjustment.

MOTION: Rep. Hutchings moved to approve the restricted funds as shown on the sheet entitled, "Restricted Funds" with the additions of Department of Public Safety items 3, 4, and 5 as explained by staff. The motion passed unanimously.

Mike Haddon, Deputy Director, Utah Department of Corrections, explained their request to have the Prisoner Recidivism Reduction Funds be permanently changed from Higher Education to the Department of Corrections.

MOTION: Rep. Greenwood moved to recommend to the Executive Appropriations Committee to permanently move the Prisoner Recidivism Reduction Funds from Higher Education to the Department of Corrections. The motion passed unanimously.

Mr. Davenport spoke about Highway Patrol staffing levels should the FY 2011 5% funding cuts be put into place. Colonel Dan Fuhr, Utah Highway Patrol, presented the committee with two handouts which illustrate the Highway Patrol trooper levels compared to the increase in population, registered vehicles and licensed drivers. They feel that additional staff reductions will be detrimental to public and staff safety.

Mr. Syphus said that the FY 2011 prioritization list is an aggregate of prioritized lists received from committee members and is a starting point for discussion.

MOTION: Rep. Greenwood moved to take the item relating to HB 250 from the top of the Prioritized List and place it on the "Agency FY 2011 Request" list. The motion passed unanimously with Rep. Seelig absent for the vote.

MOTION: Rep. Aagard moved to approve the Prioritized List as prepared by staff with the provision that the Executive Appropriations Committee take a minimum of \$19 million from the Utah Department of Alcohol Beverage Control liquor profits to fund the critical items on the bottom of the prioritized list.

Rep. Mascaro stated that he could not vote for the prioritization list with the deep cuts to the items at the bottom. He feels that they have constitutional responsibilities to live up to and that these items are at the core of these responsibilities. He feels that cuts to this extent would have a serious negative impact on communities.

Rep. Greenwood stated that he could not vote for the prioritization list with public safety cuts that are at the core of the State's function. He stated he could not longer tolerate jeopardizing public safety.

Rep. Oda said he was in full agreement with Rep. Mascaro and Rep. Greenwood, but could support the bill if \$19 million was added back to replace funding for the most critical items on the list.

Rep. Wiley stated that he couldn't in good conscience make these kinds of cuts to public safety and recommends the Co-Chairs take a resolution conveying the Committee's concerns to the Executive Appropriations Committee.

Sen. McAdams agreed with committee members that these cuts are deep in important areas and that it is important to take a balanced approach to the budget.

Rep. Greenwood and Rep. Mascaro said they would support the motion with reservation with the inclusion of the \$19 million provision.

Rep. Aagard said that he wholeheartedly recognizes that public safety is one of the core responsibilities of government and that protecting the welfare of the people should come first.

The motion from Rep. Aagard concerning the prioritized list was placed for a vote. The motion passed unanimously.

Sen. Greiner thanked the committee for their hard work and input. He stated that it has been as hard as he has ever seen it to try to balance these core issues. He expressed his concern for the problems this will cause public safety agencies and for the public. He said that they will be conveying the committee's concerns to the Executive Appropriations Committee.

MOTION: Rep. Wiley moved to have the Co-Chairs take a written resolution to the Executive Appropriations Committee expressing the desires of the committee that a minimum of \$19 million be appropriated from the DABC to the items on the bottom of the prioritization list, with the recognition that these are core functions of government and necessary for the public safety.

Rep. Hutchings expressed appreciation for the work of the committee and stated that he felt they had worked hard to find efficiencies and cut where they could. He thanked the committee for being willing to take a stand and to say that there are certain things in government that need to be treated as critical, and things that government must do. Rep. Hutchings will work with staff to create the written resolution.

The motion from Rep. Wiley concerning a written resolution was placed for a vote. The motion passed unanimously.

MOTION: Rep. Oda moved to adjourn the meeting. The motion passed unanimously.

Sen. Greiner adjourned the meeting at 5:00 p.m.

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Sen. Jon J. Greiner, Co-Chair

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Rep. Eric K. Hutchings, Co-Chair